IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 25241 of 2007(E)

AGAINST THE ORDER DATED 18/07/2007 IN IA 556/06 IN OS.89/2004 of SUB COURT, VADAKARA

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PETITIONER:

C.K.SREEDHARAN, S/O. SANKARAN,
AGED 53 YEARS, CHERIYA KAYYELA HOUSE,
CHEMMARATHUR AMSOM DESOM, VADAKARA TALUK,
KOZHIKODE DISTRICT.

BY ADV. SRI.C.VATHSALAN
SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V
SRI.BIJU J.THADIKKAL

RESPONDENT:

V.C.VASU, AGED 60 YEARS, S/O. ANDY,
PARAVANTA VALAPPIL HOUSE, AZHIYUR AMSOM,
CHOMBALA DESOM, P.O.CHOMBALA, VADAKARA TALUK,
KOZHIKODE DISTRICT.

BY ADV. SRI.MOHANAN V.T.K.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE DECREE IN O.S. NO.89 OF 2004.

EXT. P2: COPY OF THE ORDER DATED 13/9/2006 IN I.A. NO.556 OF 2006.

EXT. P3: COPY OF THE PETITION IN I.A. NO.556 OF 2006 ALONG WITH ORDER DATED 25/9/2006 THEREIN.

EXT. P4: COPY OF THE E.P. NO.18 OF 2006 IN O.S. NO.89/04.

EXT. P5: COPY OF THE PETITION I.A. NO.1040/2007 ALONG WITH AFFIDAVIT.

EXT. P6: COPY OF THE PETITION I.A. NO.1041 OF 2007 ALONG WITH AFFIDAVIT.

/TRUE COPY/

P.A. TO JUDGE

JP

M.N. KRISHNAN, J.

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W.P.C. NO. 25241 OF 2007

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Dated this the 24th day of October, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside Ext.P2 order to the extent of imposing a condition to deposit a sum of Rs.20,000/-. The writ petitioner filed I.A.556/06 in O.S.89/02 to set aside the exparte decree and the Court after considering the materials allowed the petition on condition that the petitioner makes a deposit of Rs.20,000/- before the Court on or before 23.9.06. The writ petitioner is aggrieved by the order of the Court directing him to deposit the amount. Meanwhile, on account of the non-deposit of the amount, I.A. itself has been dismissed as the order has not been complied with.

2. The other side has also entered appearance. Now, the learned counsel for the writ petitioner in fairness submits that he is prepared to make the payment as directed by the

Court below and therefore requests for restoration of I.A.556/06 and seeks permission to deposit Rs.20,000/- within two weeks. The counsel for the plaintiff has no objection in adopting that course. Therefore, the writ petition is disposed of directing the Court below to restore I.A.556/06 back to file and permit the defendant in the suit namely the writ petitioner to deposit a sum of Rs.20,000/- within a period of three weeks from today.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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